

**UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

In re:	:	CHAPTER 13
	:	
Henrietta Nolan	:	
Debtor	:	Bankruptcy No. 15-19080

MOTION TO RE-OPEN

Joshua Cohen a/k/a Josh Cohen (“Cohen”), by and through his counsel, Lipsky and Brandt, hereby requests that this Honorable Court enter an Order re-opening the instant case for the purpose of filing the Motion to Dismiss Fifth Amended Bankruptcy Plan, attached hereto as Exhibit “A” (without exhibits), and in support thereof, states as follows:

1. On March 17, 2015, Cohen purchased the property located at 1250 S. 53rd Street, Philadelphia, PA (the “Property”) at the Philadelphia Sheriff’s Sale for \$33,500.00. The Property, which at the time was owned by Henrietta Nolan (“Debtor”), was sent to Sheriff’s Sale arising out of a real estate tax lien asserted by the City of Philadelphia. A copy of the docket in the underlying case, City of Philadelphia v. Nolan et al., PCCP 1203T0199 (the “Underlying Case”), is attached hereto Exhibit “A” as Exhibit “A.”

2. Debtor filed a Motion to Redeem Premises, after which Debtor filed for bankruptcy, staying the Underlying Case. See Id.

3. On December 21, 2015, Debtor filed for Chapter 13 Bankruptcy protection and named Cohen as a creditor. A copy of the Bankruptcy docket is attached to Exhibit “A” as Exhibit “B.” Debtor has occupied the Property during Cohen’s ownership.

4. On March 26, 2019, Debtor filed her Fifth Amended Bankruptcy Plan. A copy of the Plan is attached to Exhibit “A” as Exhibit “C.”

5. In her Fifth Amended Bankruptcy Plan, Debtor sought, under 53 P.S. 7293, to redeem her Property which was sold Cohen, as follows:

1. Upon payment of the claim of Josh Cohen in full, Cohen shall promptly convey title to 1250 S. 53rd Street, Philadelphia, Pennsylvania back to the Debtor.

2. Debtor will be responsible to pay post petition real estate taxes directly to the City of Philadelphia. Debtor will also be responsible to have home owner's insurance on 1250 S. 53rd Street, Philadelphia, PA and all other costs, charges, fees, that are associated with Debtor's possession of the property.

3. Upon completion of this or any other duly confirmed plan, as amended, or such earlier time when full payment under the plan is received by any of the respective creditors, all tax liens, security interests or mortgages that are paid in full, as such underlying obligations are finally determined by the Court, shall be satisfied of record without additional cost to the Debtor.

4. Upon completion of this or any other confirmed plan, as amended, title to the Debtor's interest in 1250 S. 53rd Street, Philadelphia, PA shall revert to the Debtor. Debtor shall have the sole right to the use and possession of the property and free and clear of all claims of all creditors as provided for by the plan.

5. Upon full payment of the allowed secured claim, Debtor shall prepare a fee simple deed for Josh Cohen's signature, conveying the real property located at 1250 S. 53rd Street, Philadelphia, PA to the Debtor, Henrietta Nolan. Additionally, Debtor shall file said deed, along with the satisfaction of lien, if any, with the Recorder of Deeds of Philadelphia County. All costs and expenses associated with said filing will be the responsibility of Debtor.

See Exhibit "C" to Exhibit "A" (emphasis added).

6. On April 9, 2019, the Fifth Amended Bankruptcy Plan was confirmed. *See Exhibit "B" to Exhibit "A."*

7. On September 15, 2021, the Trustee filed the Final Report and Account. A copy of the Final Report and Account is attached hereto as Exhibit "D" to Exhibit "A."

8. As set forth in detail in Cohen's Proposed Motion to Dismiss, which is attached hereto as Exhibit "A" and incorporated in full herein, Debtor materially defaulted under the confirmed plan by her failure to maintain insurance on the Property, to reimburse Cohen for insurance payments, and to make certain Post-Petition real estate tax payments while she

continued to occupy the Property.

9. Specifically, while the Property was still titled in Cohen's name, real estate taxes were delinquent and the Property was not protected by insurance, at the sole fault of Debtor.

10. As a result, Cohen has paid \$4,652.49 to maintain insurance on the Property in order to protect the Property; otherwise, Cohen would have great liability and property damage exposure while he owns the Property but Debtor continues to occupy it.

11. While Debtor reimbursed Cohen for certain real estate taxes that he paid related to the Property from 2018 to 2022, Debtor failed to pay additional Post-Petition real estate taxes for 2023 and 2024 in the amount of \$7,040.44.

12. Because the Property is titled in Cohen's name, and has delinquent real estate taxes, this has harmed Cohen's ability to do business in the City of Philadelphia.

13. Cohen, who owns many properties in the City of Philadelphia, now does not have Tax Clearance due to the outstanding real estate taxes, is being blocked from the renewal of rental licenses, and is being removed from the PGW Landlord Cooperation Program.

14. Cohen had requested that the City of Philadelphia provide him with Tax Clearance and remove the other penalties he has received as a result of the delinquent taxes that Debtor should be paying. A copy of the e-mail exchange is attached to Exhibit "A" as Exhibit "G."

15. As one option, the City's attorney indicated to Cohen that if Cohen petitioned to open the bankruptcy, requested that the Property remain titled in his name, and thereafter paid the taxes, he would receive Tax Clearance.

16. Another option would be to convey the Property; however, Cohen had not yet been reimbursed by Debtor for insurance.

17. As such, Cohen respectfully requests that the instant action be re-opened such that he can file a Motion to Dismiss pursuant to 11 U.S.C. §1307(c)(6).

18. In accordance with the attached Motion, Cohen will seek a dismissal of the Fifth Amended Bankruptcy Plan, a declaration that Cohen shall retain the Property, and an Order that Debtor must reimburse Cohen for the insurance payments while she occupied the Property.

19. Pursuant to U.S. Code § 350(b), “[a] case may be reopened in the court in which such case was closed to administer assets, to accord relief to the debtor, or for other cause.”

WHEREFORE, Joshua Cohen a/k/a Josh Cohen respectfully requests that this Court enter an Order opening the instant case for the purpose of filing the Motion attached as Exhibit “A.”

Respectfully Submitted,

LIPSKY AND BRANDT

Dated: 12/20/24

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BY: /s/ Louis I. Lipsky

Louis I. Lipsky, Esquire

Attorney Id# 46808

Rachel I. Freedman, Esquire

Attorney Id# 318510

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Henrietta Nolan	:	
Debtor	:	Bankruptcy No. 15-19080

CERTIFICATION OF SERVICE

Louis I. Lipsky, Esquire, certifies that a true and correct copy of the Motion to Re-open was sent on December 20, 2024 by first class mail, postage pre-paid, to the parties listed below:

Henrietta Nolan
1250 S. 53rd Street
Philadelphia, PA 19143

Jonathan H. Stanwood, Esq.
Law Office of Jonathan H. Stanwood, LLC
1617 John F. Kennedy Blvd, #500
Philadelphia, PA 19103
Former Attorney For Henrietta Nolan (appearance not yet withdrawn)

Kenneth E. West, Chapter 13 Standing Trustee
1234 Market Street- Suite 1813
Philadelphia, PA 19107

United States Trustee, U.S. Trustee
Office of the U.S. Trustee
Robert N. C. Nix Federal Building
Suite 320
Philadelphia, PA 19107

LIPSKY AND BRANDT

Dated: 12/20/24

BY: /s/ Louis I. Lipsky
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